

### REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed November 25, 2003 ("Office Action") and the Advisory Action mailed May 19, 2004 ("Advisory Action"). Claims 1-9 are pending in the Application and stand rejected.

#### Section 103 Rejections

The Office Action rejected Claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,706,431 to Otto ("*Otto*") in view of U.S. Patent No. 5,495,610 to Shing ("*Shing*") in further view of Applicant's admitted prior art. Applicants respectfully traverse this rejection for at least the following reasons.

First, Applicants assert that *Otto* and *Shing*, whether individually or in combination, fail to teach, suggest, or disclose a system that is operable to "to automatically repackage said second and third software packages into a fourth package, and to transmit the fourth package" as recited, in part, in independent Claim 1. In contrast, *Otto* discloses a system allowing "revisions to propagate automatically through a communications network. Nodes in the network are responsible for both detecting when a revision to information in another node is necessary and transmitting the revision to the other node." *Otto*, 2:45-49; *see also id.*, Abstract; *id.* 2:7-11. *Otto* expands on this teaching by providing "revisions to at least a portion of the information stored on server 110 may suitably be propagated on a level-by-level basis through communications network 100 in accordance with the principles of the present invention." *Id.* 5:33-37. In other words, *Otto* appears to merely provide "pass-through" techniques without any particular intelligence operable to "automatically repackage said second and third software packages into a fourth package, and to transmit the fourth package" as recited in independent Claim 1. *Shing* (as well as the alleged admitted prior art) fails to account for at least these deficiencies of *Otto*. Accordingly, the *Otto-Shing* combination fails to teach, suggest, or disclose a system that is operable "to automatically repackage said second and third software packages into a fourth package, and to transmit the fourth package" as recited in independent Claim 1.

For at least these reasons, Applicants respectfully request consideration and allowance of independent Claim 7. For analogous reasons, Applicants respectfully request reconsideration and allowance of independent Claims 1, 2, and 5 and all claims depending therefrom.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

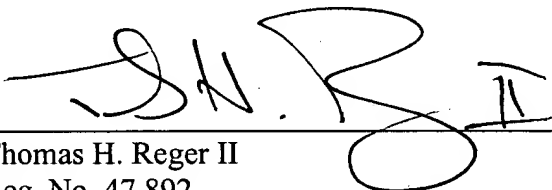
If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Note, Applicants filed a Revocation and New Power of Attorney on December 9, 2004, a copy of which is enclosed.

A check in the amount of \$790 is enclosed for this Request for Continued Examination (RCE), along with a check in the amount of \$2,160.00 for a five-month extension of time. Although no other fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to deposit account 06-1050.

Respectfully submitted,

Date: December 23, 2004

  
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Thomas H. Reger II  
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Enclosure: Copy of Revocation and New Power of Attorney (3 pages)

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COPY

1 of 2

17646-001001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b), Computer Associates Think, Inc., a Delaware Corporation, certifies that it is the assignee of 100% of the right, title and interest in the patents and patent applications listed in the attached Appendix (TABLE 1) by virtue of assignments from the inventors of the patents and patent applications. The assignments for the patents and patent applications were recorded in the Patent and Trademark Office at Reel and Frame numbers provided in the Appendix.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee. The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the patents and patent applications in the attached Appendix and appoints:

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of Computer Associates International, Inc., One Computer Associates Plaza, Islandia, New York 11788-7000, United States of America  
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CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 315555778 US

December 9, 2004  
Date of Deposit

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with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

All correspondence regarding the patents and patent applications listed in the Appendix (TABLE 1) should be sent to:

**PTO Customer Number: 26231**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date:

Dec. 8, 2004

  
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**TABLE 1**  
**COMPUTER ASSOCIATES THINK, INC.**



Old Attorney Docket Number	New Attorney Docket Number	Application Serial Number	Patent Number	Country	Filing Date	Assignment Date Recorded/Reel/Frame
9545-001-27	17646-173001	09/185,357	6,397,214	United States	11/3/1998	12/28/1998 - R/F 009668/0721; 12/30/1998 - R/F 009669/0426; 4/15/2002 - R/F 012796/0738
9545-007-27	17646-179001	09/317,247	6,163,774	United States	5/24/1999	6/5/2000 - R/F 010827/0229; 09/28/2001 - R/F 012199/0498 Assignment Filed 12/08/2004
9545-008-27	17646-180001	09/220,436		United States	12/24/1998	02/12/1999 - R/F 009765/0195 Assignment Filed 12/06/2004
9545-009-27	17646-181001	09/185,042	6,192,357	United States	11/3/1998	12/21/1998 - R/F 009667/0317; 12/30/1998 - R/F 009669/0426 Assignment Filed 12/08/2004
9545-012-27	17646-184001	09/185,366	6,212,515	United States	11/3/1998	1/11/1999 - R/F 009723/0578; 12/30/1998 - R/F 009669/0426 Assignment Filed 12/08/2004
9545-013-27	17646-185001	09/220,724		United States	12/24/1998	02/12/1999 - R/F 009765/0180 Assignment Filed 12/08/2004
9545-014-27	17646-186001	09/317,773	6,282,544	United States	8/28/2001	08/19/1999 - R/F 010176/00897; 08/19/1999 - R/F 010176/0111; 05/29/2001 - R/F 011844/0818
9545-015-27	17646-186002	09/939,560		United States	5/24/1999	Assignments Filed 12/07/2004